

1 HOUSE BILL 1272

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 Elias Barela

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10 AN ACT

11 RELATING TO ELECTIONS; ESTABLISHING RULES FOR DETERMINING THE  
12 PLACE OF RESIDENCE OF CANDIDATES, OFFICEHOLDERS AND VOTERS;  
13 AMENDING AND ENACTING SECTIONS OF THE ELECTION CODE.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 Section 1. Section 1-1-7 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 6, as amended) is amended to read:

18 "1-1-7. RESIDENCE--RULES FOR DETERMINING.--For the  
19 purpose of determining residence for voting, the place of  
20 residence is governed by the following rules.

21 A. The residence of a person is that place in which  
22 ~~[his]~~ the person's habitation is fixed, and to which, whenever  
23 ~~[he]~~ the person temporarily is absent, ~~[he has the intention to~~  
24 ~~return]~~ the person returns.

25 B. The place where a married person's ~~[family~~

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1 ~~resides]~~ spouse and children reside is presumed to be [his] the  
2 person's place of residence, [~~but a person who takes up or~~  
3 ~~continues his abode with the intention of remaining at a place~~  
4 ~~other than where his family resides is a resident where he~~  
5 ~~abides]~~ and the place where a single person resides is presumed  
6 to be the person's place of residence.

7 C. [~~A change of residence is made only by the act~~  
8 ~~of removal joined with the intent to remain in another place.]~~  
9 There can be only one residence.

10 D. A person does not gain or lose residence solely  
11 by reason of [his] the person's presence or absence while  
12 employed in the service of the United States or of this state,  
13 or while a student at an institution of learning, or while kept  
14 in an institution at public expense, or while confined in a  
15 public prison or while residing upon an Indian or military  
16 reservation.

17 E. No member of the armed forces of the United  
18 States, [his] the member's spouse or [his] the member's  
19 dependent is a resident of this state solely by reason of being  
20 stationed in this state.

21 F. A person does not lose [his] residence if [he]  
22 the person leaves [his] home and goes to another country, state  
23 or place within this state for temporary purposes only and with  
24 the intention of returning.

25 G. [~~A person does not gain a residence in a place~~

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1 ~~to which he comes for temporary purposes only.]~~ A parent's  
2 residence shall not be presumed to be the residence of a person  
3 who has reached the age of majority unless the parent's  
4 residence is the only place the person physically resides.

5 H. A person loses [~~his~~] residence in this state if  
6 [~~he~~] the person votes in another state in an election requiring  
7 residence in that state, and has not upon [~~his~~] return regained  
8 [~~his~~] residence in this state under the provisions of the  
9 constitution of New Mexico.

10 I. "Residence" is computed by not including the day  
11 on which the person's residence commences and by including the  
12 day of the election.

13 J. A person does not acquire or lose residence by  
14 marriage only."

15 Section 2. Section 1-1-7.1 NMSA 1978 (being Laws 1979,  
16 Chapter 378, Section 1, as amended by Laws 1993, Chapter 314,  
17 Section 1 and also by Laws 1993, Chapter 316, Section 1) is  
18 amended to read:

19 "1-1-7.1. RESIDENCE FOR PURPOSE OF [~~CANDIDACY AND~~]  
20 SIGNING OF PETITIONS--RULE FOR DETERMINING.--For the purpose of  
21 determining the residence of [~~a person desiring to be a~~  
22 ~~candidate for the nomination or election to an office under the~~  
23 ~~provisions of the Election Code or for the purpose of~~  
24 ~~determining the residence of]~~ any signer of a petition required  
25 by the Election Code, permanent residence shall be resolved in

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1 favor of that place shown on the person's certificate of  
2 registration as [~~his~~] the person's permanent residence,  
3 provided the person resides on the premises."

4 Section 3. A new section of the Election Code is enacted  
5 to read:

6 "[NEW MATERIAL] RESIDENCE OF CANDIDATES AND  
7 OFFICEHOLDERS--RULE FOR DETERMINING.--In addition to all other  
8 requirements imposed by law:

9 A. a candidate running for public office, except  
10 for United States senator, United States representative or  
11 public regulation commissioner, shall have physically resided  
12 within the district to be represented for a minimum of one  
13 hundred eighty-three days of the immediately preceding three  
14 hundred sixty-five days; and

15 B. an officeholder shall have physically resided  
16 within the district represented for a minimum of one hundred  
17 eighty-three days of the immediately preceding three hundred  
18 sixty-five days. If an officeholder fails to physically reside  
19 within the district represented for a minimum of one hundred  
20 eighty-three days of the immediately preceding three hundred  
21 sixty-five days, the officeholder shall be deemed to have  
22 resigned. Officeholders failing to physically reside within  
23 the district for a minimum of one hundred eighty-three days of  
24 the immediately preceding three hundred sixty-five days due to  
25 active duty requirements of the United State armed forces or

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1 the New Mexico national guard are exempted from the provisions  
2 of this subsection."

3 Section 4. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is January 1, 2008.

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